

The situation that existed in 1952 has been changed by two major developments—

The founding of the Metropolitan Washington Council of Governments; and

The inauguration of a nationwide urban planning assistance program, commonly referred to as the “701 Program.”

The Metropolitan Washington Council of Governments, established in 1957, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional planning by the Council of Governments is accelerated. In accord with the reorganization plan, the Commission will work closely with the Council of Governments in regional planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The plan will eliminate this overlapping effort.

Annual savings of at least \$25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(e), 3, 4, 5(d), and 6(b) of the act approved June 6, 1924, entitled “An Act providing for a comprehensive development of the park and playground system of the National Capital” (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(e), 71b, 71c, 71d(d), and 71E(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 29, 1966.

§ 71c. Comprehensive plan for the National Capital

(a) Preparation and adoption by Commission

The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the

Commission’s recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change. The Commission shall collaborate with the National Capital Regional Planning Council in the development of those elements of the plan for the National Capital which should be incorporated in the regional plan provided for in section 71b of this title. While consistency between the respective proposals of the Commission and the National Capital Regional Planning Council shall be sought, lack of action or agreement by the National Capital Regional Planning Council shall not prevent the Commission from adopting any part of its plan or any recommendation or proposal for Federal developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the National Capital Regional Planning Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the National Capital Regional Planning Council or to the aforesaid agencies.

(b), (c) Repealed. Pub. L. 93-198, title II, § 203(c)(3), Dec. 24, 1973, 87 Stat. 782

(d) Progressive adoption, amendment, or review

The Commission may, as the work of preparing the comprehensive plan progresses, adopt any element or a part or parts thereof and from time to time shall review and may amend or extend the plan, in order that its recommendations may be kept up to date.

(e) Consultation with interested agencies; hearings; citizen advisory councils

Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate Federal or District of Columbia authorities for comment and recommendations. Presentation of proposed revisions may at the Commission’s discretion be made annually in a consolidated form. The said recommendations by Federal and District of Columbia authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and, in consultation with the Council of the District of Columbia, encourage the formation of one or more citizen advisory councils.

In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

(June 6, 1924, ch. 270, § 4, as added July 19, 1952, ch. 949, § 1, 66 Stat. 785; amended 1967 Reorg. Plan No. 3, § 402(28), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93-198, title II § 203(c), title IV, § 401, 87 Stat. 782, 785.)

REFERENCES IN TEXT

Section 71b of this title, referred to in subsec. (a), was omitted from the Code in view of the abolition of the National Capital Regional Planning Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

CODIFICATION

The words "National Capital Regional Planning" were added before references to "Council" where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Section is also set out in D.C. Code, § 1-2003.

PRIOR PROVISIONS

Provisions similar to those concerning preparation and maintenance of a comprehensive plan for the National Capital and its environs were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a), first sentence. Pub. L. 93-198, § 203(c)(1), inserted introductory "hereby" and substituted "Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without charge" for "Federal and District developments or projects in the environs".

Subsec. (a), third sentence. Pub. L. 93-198, § 203(c)(2), struck out "within the District of Columbia" after "part of its plan" and "or District" from phrase "Federal or District developments or projects".

Subsecs. (b), (c). Pub. L. 93-198, § 203(c)(3), repealed provisions of subsec. (b) relating to contents of comprehensive plan and of subsec. (c) relating to generalized elements of comprehensive plan. See comprehensive plan provisions of section 71a(a) of this title.

TRANSFER OF FUNCTIONS

"Council of the District of Columbia" substituted in text for "District of Columbia Council" pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(28) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to consultations concerning the formation of one or more citizens advisory councils under subsec. (e) of this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions abolishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (a), abolished by Reorg. Plan No. 5 of 1966,

eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

EX. ORD. NO. 11815. DELEGATION OF PRESIDENTIAL FUNCTION OF ESTABLISHING METES AND BOUNDS OF NATIONAL CAPITAL SERVICE AREA

Ex. Ord. No. 11815, Oct. 23, 1974, 39 F.R. 37963, provided:

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93-198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71d. Proposed Federal and District developments and projects

(a) Consultations between agencies and Commission; procedure

In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: *Provided, however,* That the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received and considered the report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

(b) Exceptions to consultation procedure

The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or